

FIRST REGULAR SESSION

HOUSE BILL NO. 155

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GATSCHENBERGER.

0886H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.750, 217.755, 559.600, 559.602, 559.604, and 559.609, RSMo, and to enact in lieu thereof six new sections relating to private probation services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 217.750, 217.755, 559.600, 559.602, 559.604, and 559.609, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 217.750, 217.755, 559.600, 559.602, 559.604, and 559.609, to read as follows:

217.750. 1. At the request of a judge of any circuit court, the board shall provide probation services for such court as provided in subsection 2 of this section.

2. The board shall provide probation services for any person convicted of any class of felony, **except when the offense is a class C or class D felony, in which case the board shall provide probation services unless the circuit and associate circuit judges in a circuit contract with private entities or other court-approved entities to provide such services under section 559.600 and the sentencing judge orders the use of such private services.** The board shall not provide probation services for any class of misdemeanor except those class A misdemeanors the basis of which is contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425, or section 455.538.

217.755. 1. The board shall adopt general rules and regulations, in accordance with section 217.040, concerning the conditions of probation applicable to cases in the courts for which it provides probation service. Nothing herein, however, shall limit the authority of the court to impose or modify any general or specific conditions of probation.

2. **The court shall adopt rules, in accordance with section 217.040, for the approval of private probation services by the circuit and associate circuit judges in a circuit under**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 **section 217.750 and the oversight of the provisions of such private probation services. Such**
8 **rules shall include, but not be limited to:**

9 **(1) Guidelines for approval of private probation services entities;**

10 **(2) A method of verifying the fees collected by private probation services entities;**

11 **(3) Establishment of the same minimum education and age requirements for**
12 **private probation officers which are required for state probation officers;**

13 **(4) Requiring all private probation officers to submit to federal and state criminal**
14 **background checks;**

15 **(5) Requiring all contracts with private probation entities to include:**

16 **(a) Provisions regarding services for indigent clients; and**

17 **(b) A sliding fee scale for the provision of services; and**

18 **(6) Prohibiting any private probation services entity from requiring any person to**
19 **utilize services from any other entity owned or operated by the private probation services**
20 **entity as a condition of receiving its services.**

559.600. In cases where the board of probation and parole is not required under section
2 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders,
3 **or offenders who have pleaded guilty to or been found guilty of a class C or class D felony**
4 **when private probation services are ordered by the sentencing court,** the circuit and
5 associate circuit judges in a circuit may contract with one or more private entities or other
6 court-approved entity to provide such services **in accordance with the requirements of**
7 **sections 217.750 and 217.755, and rules promulgated thereunder.** The court-approved entity,
8 including private or other entities, shall act as a misdemeanor probation office in that circuit and
9 shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges
10 for class A, B, and C misdemeanor offenses, specifically including persons placed on probation
11 for violations of section 577.023. **Such entity shall also act as a probation office in that**
12 **circuit and shall, at the sentencing judge's discretion and under the terms of the contract,**
13 **supervise persons placed on probation by the judge for a class C or class D felony.** Nothing
14 in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole,
15 or the court, from supervising [misdemeanor] **such** offenders in a circuit where the judges have
16 entered into a contract with a probation entity.

559.602. A private entity seeking to provide probation supervision and rehabilitation
2 services to [misdemeanor] offenders **under sections 559.600 to 559.615** shall make timely
3 written application to the judges in a circuit. When approved by the judges of a circuit, the
4 application, the judicial order of approval and the contract shall be forwarded to the board of
5 probation and parole. The contract shall contain the responsibilities of the private entity,
6 including the offenses for which persons will be supervised. The board may then withdraw

7 supervision of [misdemeanor] offenders [which] **who** are to be supervised by the court-approved
8 private entity in that circuit.

559.604. Neither the state of Missouri nor any county of the state shall be required to pay
2 any part of the cost of probation and rehabilitation services provided to [misdemeanor] offenders
3 under sections 559.600 to 559.615. The person placed on probation shall contribute not less than
4 thirty dollars or more than [fifty] **sixty-five** dollars per month to the private entity providing him
5 with supervision and rehabilitation services. The amount of the contribution shall be determined
6 by the sentencing court. The court may exempt a person from all or part of the foregoing
7 contribution if it finds any of the following factors to exist:

- 8 (1) The offender has diligently attempted, but has been unable, to obtain employment
9 which provides him **or her** sufficient income to make such payments;
- 10 (2) The offender is a student in a school, college, university or course of vocational or
11 technical training designed to fit the student for gainful employment. Certification of such
12 student status shall be supplied to the court by the educational institution in which the offender
13 is enrolled;
- 14 (3) The offender has an employment handicap, as determined by a physical,
15 psychological or psychiatric examination acceptable to or ordered by the court;
- 16 (4) The offender's age prevents him **or her** from obtaining employment;
- 17 (5) The offender is responsible for the support of dependents, and the payment of such
18 contribution constitutes an undue hardship on the offender;
- 19 (6) There are other extenuating circumstances as determined by the court to exempt or
20 partially reduce such payments; or
- 21 (7) The offender has been transferred outside the state under an interstate compact
22 adopted pursuant to law.

559.609. The associate circuit or municipal judges approving the private entity to
2 function as a probation office shall base their decision on [factors such as length of time in the
3 probation field, experience in supervising various types of offenders, the financial ability to
4 operate a probation office in the jurisdiction, and other factors as the judges deem necessary and
5 relevant] **the following requirements:**

- 6 (1) **The entity shall be a corporation registered with the state of Missouri and**
7 **possess a certificate of corporation in good standing and provide proof of such to the court;**
- 8 (2) **The entity shall submit a copy of its policies and procedures to the court;**
- 9 (3) **All persons who provide supervision within the entity shall possess a bachelor's**
10 **degree in criminal justice or a closely related field, or have equivalent relevant professional**
11 **experience, be certified by the state of Missouri as either a certified reciprocal alcohol drug**

12 **counselor or certified criminal justice addictions professional, and submit proof of such to**
13 **the court; and**

14 **(4) Other areas for consideration shall be experience and length of time in the field**
15 **of criminal justice and the entity's financial ability to provide services and other factors as**
16 **the judges deem necessary and relevant.**

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